

Issued August 21, 1912.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 1573.

(Given pursuant to section 4 of the Food and Drugs Act.)

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### ADULTERATION AND MISBRANDING OF MARASCHINO CHERRIES.

On October 19, 1911, the United States Attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 cases, each containing 24 bottles of cherries, remaining unsold in the original unbroken packages and in possession of the Nave-McCord Mercantile Co., St. Joseph, Mo., alleging that the product had been shipped by Glaser, Kohn & Co., Chicago, Ill., date not shown, from the State of Illinois into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. Each of the cases was branded: "2 doz. Select No. 16 Maraschino Cherries. Trade (Everbest) Mark. Glaser, Kohn & Co. to conform to the National Pure Food & Drugs Act of June 30, 1906. Serial No. 3294. Glass. This side up with care." Each of the bottles contained in said cases was branded: "Maraschino Cherries Trade (Everbest) Mark Artificially colored Contains 0.008 Sulphur Dioxide. Glaser, Kohn & Co. Distributors, Chicago, U. S. A." "Trade (Everbest) Mark Select Cherries. Keep on ice after opening." "Purity of colors used guaranteed by the manufacturer. Part of Lot No. 543. Certified under U. S. Pure Food & Drugs Act."

Adulteration of the product was alleged in the libel for the reason that a substance, to wit, benzaldehyde, or oil of bitter almond, had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and strength, and such benzaldehyde or oil of bitter almond had been substituted wholly or in part for maraschino in the liquor or syrup in which the cherries were packed.

Misbranding was alleged for the reason that the brands or labels were false and misleading in that, while they stated and represented that the cases or boxes and bottles, and each of them, contained maraschino cherries, as known to the trade and to commerce in the United States, which are cherries put up in a maraschino liquor or syrup, whereas in truth and in fact the cherries contained in said cases, boxes, and bottles, were not put up in maraschino liquor or syrup, but in an imitation of maraschino liquor and syrup, flavored with benzaldehyde or oil of bitter almond.

On March 6, 1912, judgment of condemnation and forfeiture was entered and it was further ordered that, upon payment of all costs and the execution of bond in conformity with section 10 of the Act, fixed by the court at \$500, the product should be released and delivered to the Nave-McCord Mercantile Co., St. Joseph, Mo., the claimant.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 10, 1912.*